

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA)
)
)
) M.B.D. Case No. 19-MC-91340
v.)
)
)
KENNY ROMERO,)
Defendant)
)

MOTION FOR ENDS-OF-JUSTICE CONTINUANCE
OF TIME FOR FILING AN INDICTMENT OR INFORMATION,
AND EXCLUSION OF TIME, UNDER THE SPEEDY TRIAL ACT

The United States of America, by and through Assistant United States Attorney Anne Paruti, respectfully moves this Court to grant a continuance of the time within which an indictment or information must be filed, and exclude the time period from August 9, 2019, through and including September 6, 2019, from the speedy trial clock, pursuant to the Speedy Trial Act, 18 U.S.C. §§3161(h)(7)(A), and Sections 5(b)(7)(B) and 5(c)(1)(A)of the *Plan for Prompt Disposition of Criminal Cases* for the United States District Court for the District of Massachusetts (effective December 2008), on the ground that the ends of justice served by granting the requested continuance and excluding these periods outweigh the best interests of the public and the defendant in a speedy trial. The government further asks this Court to issue the attached proposed *Order of Continuance and Excludable Delay*. In support of this request, which counsel for the defendant assents to, the government states as follows:

1. On July 10, 2019, the defendant was arrested and charged by criminal complaint in United States v. Kenny Romero, No. 19-MJ-1223-DLC.
2. The parties have been engaged in discussions regarding a potential plea agreement that will obviate the need for an indictment.

3. The requested exclusion of time will permit defense counsel to adequately confer with the defendant, and allow the parties to further discuss and negotiate the terms of any agreement, before the government is required to seek an indictment or file an information. Such an agreement, in conjunction with a pre-indictment plea, may work to the defendant's benefit.

4. The parties agree that, if the requested time is excluded, the government has until **September 6, 2019** to return an indictment or file an information in this case. No previous extensions have been requested.

5. The defendant is currently being held in custody on the basis of the complaint, having submitted to a voluntary order of detention.

6. A proposed order is attached.

Respectfully submitted,

ANDREW E. LELLING
United States Attorney

By: /s/ Anne Paruti
Anne Paruti
Assistant U.S. Attorney

Certificate of Service

I hereby certify that this document filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing and paper copies will be sent to those indicated as non-registered participants.

By: /s/ Anne Paruti
ANNE PARUTI
Assistant U.S. Attorney

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ORDER OF CONTINUANCE AND EXCLUDABLE DELAY

Upon consideration of the assented-to motion seeking an order of continuance and excludable delay, the Court finds as follows:

1. The defendant has been charged by criminal complaint in United States v. Kenny Romero, No. 19-MJ-1223-DLC. The parties have been engaged in preliminary discussions regarding the possible resolution of this matter, which will likely result in a plea agreement and obviate the need for an indictment, and the requested continuance of the time in which an indictment or information must be filed will permit defense counsel to adequately confer with the defendant and allow the parties to further discuss and negotiate the terms of any agreement, before the government is required to seek an indictment or information. Such an agreement, in conjunction with a pre-indictment plea, may work to the defendant's benefit.

2. Accordingly, the ends of justice served by granting the requested continuance, and excluding the time period from August 9, 2019 through and including September 6, 2019 from the speedy trial clock, outweigh the best interests of the public and the defendant in a speedy trial pursuant to the Speedy Trial Act, 18 U.S.C. §§3161(h)(7)(A), and Sections 5(b)(7)(B) and 5(c)(1)(A) of the *Plan for Prompt Disposition of Criminal Cases* for the United States District Court for the District of Massachusetts (effective December 2008).

Accordingly, the Court hereby grants the assented-to motion and **ORDERS** that, pursuant to the Speedy Trial Act, 18 U.S.C. §§3161(h)(7)(A), and Sections 5(b)(7)(B) and 5(c)(1)(A)of the *Plan for Prompt Disposition of Criminal Cases*, (1) the date on which an indictment or information must be filed is continued to September 6, 2019; and (2) the period from August 9, 2019 through and including September 6, 2019 is excluded from the speedy trial clock and from the time within which an indictment or information must be filed.

**HONORABLE NATHANIEL M. GORTON
UNITED STATES DISTRICT JUDGE**